

REMARKS

Applicant has very carefully considered the Examiner's outstanding Office Action of August 23, 2006. As explained below, all of the rejections are defective given the fact that the disclosure of the system of Pickett, the primary document relied on in rejecting the claims, is substantially different than the claimed structures and methods as explained below.

Pickett, unlike the claimed structures and methods, is a system primarily driven by user supplied information. It is directed to a process of segmenting, into multiple parts, information received from the user for security purposes.

This is clearly described in Col. 2, ll. 48-59 of Pickett which states:

"The present invention concerns method and apparatus for transmitting sensitive data to a remote data store. This data transmission is performed by sending a first subset of data, which by itself is non-threatening, to the remote data store by means of a first communications path using a first protocol and sending a second subset of data, which is also by itself non-threatening, to the remote data store by means of a second communications path using a second, different protocol. The two subsets of data are subsequently used to complete a transaction. (The term "non-threatening" is slightly different than the term "secure". A secure message cannot be understood or mimicked by an unauthorized party."

As described above, Pickett addresses forming "two subsets of data [that] are subsequently used to complete the transaction". Pickett further states, Col. 2, l. 66-Col. 3, l. 14:

"In accordance with a preferred embodiment, the present invention is used to complete a data transfer using the Internet and the public switched telephone system. Rather than attempt to find ways to make the Internet secure or to make messages transmitted over the Internet secure, the invention breaks the desired messages into

pieces—none of which on their own contain enough information to cause a threat to the security of the person sending the message. Yet, the combination of these pieces creates the information necessary to effect the desired secure transaction—such as a credit card purchase.

Since the separate pieces are transmitted over two or more separate networks, at separate times using at least two separate technologies, intercepting all of the pieces and assembling the total message is virtually impossible except for the intended receiver of the message."

In accordance with the above, "the invention breaks the desired messages into pieces--none of which on their own contain enough information to cause a threat to security of the person sending the message". As seen from the above two quotes there is no discussion of transaction detail.

In rejecting claim 2, the limitation which has now been incorporated into amended claim 1, it was asserted by the Examiner, page 4 of Office Action, that Pickett disclosed:

"instructions forming a document identifier; and instructions forwarding the identifier to the party (Col. 6, ll. 44-67)."

That text discloses a process where the user enters his or her PIN, for example using the telephone keypad, and then enters a requested code, perhaps also by the keypad, authorizing an order. This is unlike the apparatus of amended claim 1. To the extent that anything is forwarded, it is the user forwarding his PIN for identification purposes or entering an authorization code, perhaps via the keyboard, which is quite different and unlike the claimed structure. Thus, for at least the above reasons, none of pending claims 1-5, 9-12 or 14 are anticipated by Pickett. Additional reasons for non-anticipation follow:

Pending claims 3-5, 9-12 and 14 all depend directly or indirectly from amended claim 1. Each of those claims add additional limitations which in

combination define a system which is not anticipated by Pickett for at least the above reasons.

Claim 15 rejected as anticipated by Pickett is different and unlike the structure of Pickett. In Pickett as noted in the two quotations therefrom addresses a breaking of "desired messages into pieces -- none of which their own contain enough information to cause a threat to security of the person sending the message" (Pickett Col. 3, ll. 3-6).

In addition, Col. 6, ll. 35-44 of Pickett as relied on by the Examiner in support of the rejection of claim 15 states as follows:

"The Slice 1 computer again calls the user, insures that the correct person has answered by requiring the person to enter the correct PIN, and asks for verification for the purchase to take place. Again, this second communication does not contain enough information to be a threat by itself. In addition, since this second message must be initiated by the computer system 40, and can only be completed by someone at the user's phone number who knows the user's PIN, there is no danger of unauthorized duplication."

As is clear from the above, unlike the claimed structure, Pickett is merely a disclosing the entry by the person using the telephone system of a PIN. This is a personal identifier and does not correspond to:

"audibly receiving from the party, via the second path, a predetermined document identifier." (Pending claims 15-22)

Hence, for the above reasons none of claims 15-18, 20 or 21 are anticipated by Pickett. Other claims have been rejected as obvious over Pickett in view of Campbell (claims 6-8 and 22) as well as Pickett in view of Kanevsky (claims 13 and 19). In view of the above-described deficiencies of Pickett, none of which are addressed by either Campbell or Kanevsky either alone or in combination not only would the respective above-noted limitations be absent from any such combination, there is no suggestion in Pickett, Campbell or Kanevsky alone or in combination to

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Office Action mailed Aug. 23, 2006

modify Pickett so as to address the above-noted deficiencies thereof. Thus, for at least the above reasons the remaining claims are allowable.

While applicant does not agree with the Examiner's double patenting conclusion, for purposes of advancing prosecution, concurrently filed herewith is a terminal disclaimer relative to co-pending application number 10/155,821. Allowance of the application is respectfully requested.

Respectfully submitted,

Dated: October 24, 2006

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